

PLANNING BOARD

CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 5045 Lake View Drive

FILE NO: 1472

IN RE: The application by Rosa Tenenbaum, requesting modifications to the conditions of a previously approved lot split

LEGAL

DESCRIPTION: Lots 16 and 17, Block 31, LAKEVIEW SUBDIVISION PB 14-42 of the Public Records of Miami-Dade County, Florida,

MEETING DATE: February 27, 2001

DIVISION OF LAND/LOT SPLIT

The applicant, Rosa Tenenbaum, filed an application with the Planning Director for a Division of Land pursuant to Section 118-321 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. Notice of the request for Division of Land was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the RS-2 - Single Family Zoning District;

That the Building Sites created would be equal to or larger than the majority of the existing Building Sites and of the same character on the surrounding area;

That the Building Sites created are not free of encroachments from abutting buildable sites, but would be if the following conditions are implemented; and

That the Building Sites created will result in existing structures becoming non-conforming as they relate to setbacks and other applicable regulations of Land Development Regulations, but would be conforming if the following conditions are implemented.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact and the staff report and analysis, which are adopted herein, including the recommendations, that the Lot split be **APPROVED** as requested and set forth above, and the following conditions shall be appurtenant to each lot, as applicable:

1. This lot split shall be contingent upon the applicant receiving approval for a setback variance from the Board of Adjustment for the proposed east side yard setback for the main residence retained on Lot 16. All costs associated with said application shall be paid by the applicant or the contract purchaser. If said approval is not granted, the lot split shall automatically become null and void.
2. The dock on lot 16 must be removed or reduced so that it has a 7.5' setback from lot 17. The pool deck must be cut back so that it has a 7.5' setback from lot 17. A fence shall be constructed to act as a safety barrier for the swimming pool. All chain link fences located within the required rear yard (approx. 38') shall be removed.
3. All improvements (tennis court and fence, accessory structure, walkways) which are presently existing on lot 17 and that portion of the existing dock, sufficient to meet the required 7.5 feet side setback from lot 16, shall be removed at the time of issuance of a building permit for the construction of single family dwelling on lot 17.
4. The applicant shall make application to the Board of Adjustment for the above required variance within four (4) months from the date of the Planning Board public hearing granting this approval, and the work required by Condition #2 shall be completed within ten (10) months (July 26, 2001) from the date of the Planning Board public hearing granting this approval, or the lot split shall automatically become null and void.
5. The single family dwelling unit to be constructed on the building parcel created by this lot split on Lot 17 shall be limited to no more than 4,650 square feet of total floor area.
6. In the event a new residence is constructed on Lot 17, a minimum setback of fifteen (15) feet shall be maintained from the lot line of Lot 16.
7. No variances shall be permitted for new structures proposed to be constructed on either of the two resulting building parcels.
8. Each Lot shall provide individual underground utility connections, individual water, sewer, electric, telephone and cable connections, payment of any applicable impact fees and the removal and replacement of necessary sections of sidewalk, curb and gutter prior to the issuance of a Certificate of Occupancy for a new residence on Lot 17. Additionally, no cross lot service connectors shall be permitted. A time restriction regarding this condition shall not apply to future new construction on Lot 17. Lot 16 shall comply within ten (10) months (July 26, 2001) of this approval date regarding this condition.
9. The subject properties shall not be further subdivided, unless said subdivision is consistent with the prevailing Zoning Ordinance regulations.

10. This Order shall be recorded in the public records of Miami-Miami-Dade County at the expense of the applicants.

PROVIDED, that all necessary steps to effectuate compliance with this Order are taken prior to the respective time periods for compliance, unless the time for the compliance with said conditions is extended or amended by the Planning Board. In the event the above conditions are not met within the time periods as specified above, the Lot Split shall become null and void.

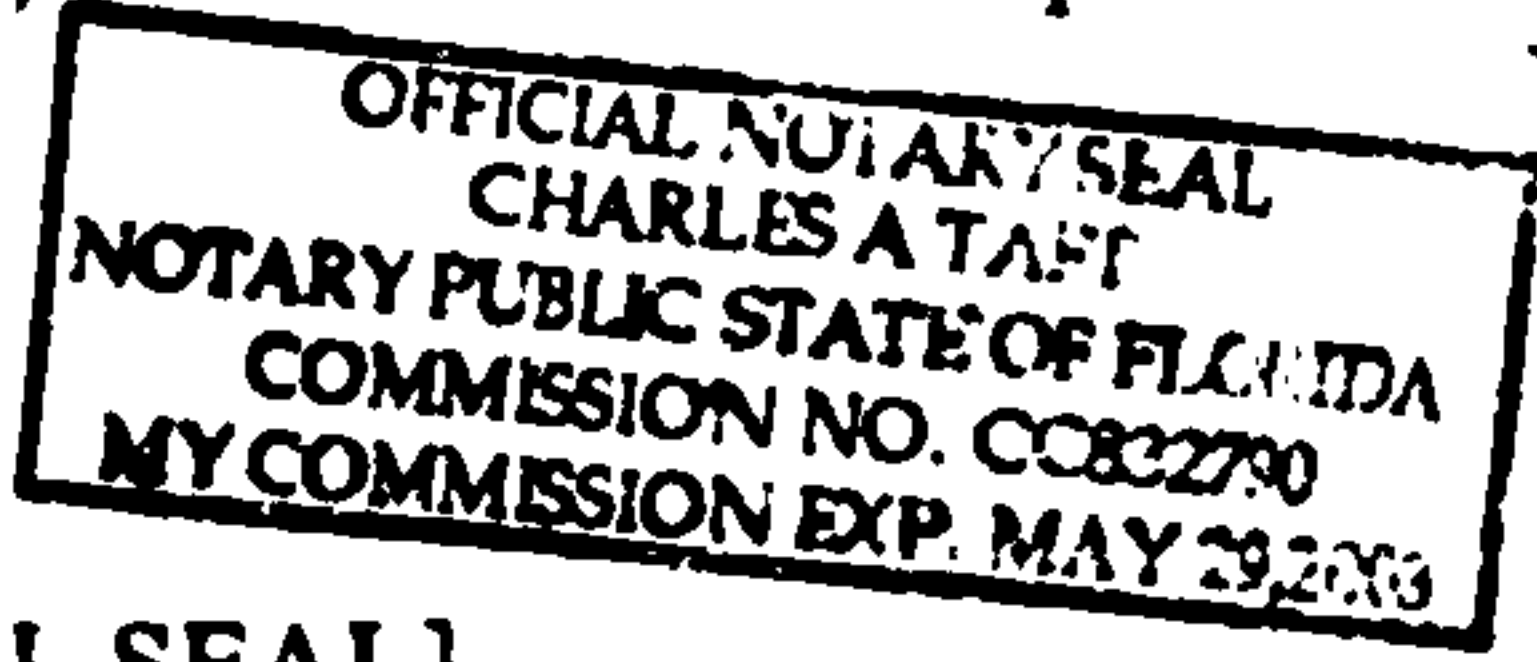
Dated this 20th day of MARCH, 2001.

PLANNING BOARD OF THE CITY OF MIAMI BEACH, FLORIDA

BY: Jorge G. Gomez
Jorge G. Gomez, Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 20th day of MARCH, 2001, by Jorge G. Gomez, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]

Charles A. Taft
Notary:
Print Name: CHARLES A. TAIT
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department (Weld 3-14-01)

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RECORDED IN PUBLIC RECORDS
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

**BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA**

**MEETING DATE: MARCH 2, 2001
FILE NO. 2793**

**IN RE: The application of
ROSA TENENBAUM
5045 LAKEVIEW DRIVE
LOTS 16 AND 17; BLOCK 31
LAKEVIEW SUB.; PLAT BOOK 14 - PAGE 42
MIAMI-DADE COUNTY, FLORIDA**

ORDER

The applicant, Rosa Tenenbaum, filed an application with the Planning Department for variances in order to effectuate a recently approved lot split by the Planning Board and therefore allow the existing single family residence to remain, as follows:

1. A variance to waive 34.58' of the 49' required sum of the side yards in order to retain the existing residence, after lot 17 is removed from the site, with a resulting sum of the side yards of 14.42'.

Notice of the request for variances was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RS-2 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variances:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variances requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

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Rosa Tenenbaum
5045 Lakeview Drive

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure;

That the granting of the variances will be in harmony with the general intent and purpose of this Ordinance and that such variances will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

IT IS THEREFORE ORDERED, by the Board, that the variances as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The new residence on lot 17 shall be setback a minimum of 15' from lot 16.
2. All improvements which do not meet code when a building permit is issued for a new residence on lot 17 shall be removed except for the fence along the front property line which may remain.
3. The portions of the swimming pool deck and various walkways which do not meet the minimum required 7.5' east side yard setbacks on lot 16 shall be removed.
4. A building permit shall be issued for a fence to be constructed along the property line between lot 16 and 17. The existing chain link fence was installed without a permit and is not permitted in the front and rear setbacks.
5. The applicant shall comply with all conditions imposed by the Public Works Department.
6. The applicant shall obtain a building permit within one (1) year of the date of this hearing. If the building permit is not issued within one year of the date of this hearing or the building permit lapses after the one-year period, this variance shall become null and void.

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PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before March 2, 2002 (within one year of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida

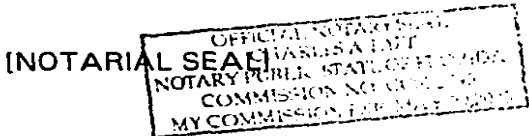
By: [Signature]
Jorge Gomez
Planning and Zoning Director
City of Miami Beach
4700 Convention Center Drive
Miami Beach, Florida 33139

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 20th day of April, 2001, by Jorge Gomez, Planning and Zoning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[Signature]

Notary:
Print Name: CHARLES A. TAYLOR
Notary Public, State of Florida
My Commission Expires:
Commission Number:



Approved As To Form:
Legal Department (filed 4-17-01)

Filed with the Clerk of the Board of Adjustment on 4/24/01 (AD)

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RECORDED IN OFFICIAL RECORDS BUREAU
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT